

REMARKS

In response to the Final Office Action mailed on August 12, 2005, Applicants respectfully request reconsideration based on the above claim amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance. Claims 1-4, 7-8, 12, 14-15, 23-26, 29-30, 34, 36-37, 45-48, 51-52, 56, and 58-59 have been amended, leaving Claims 1-66 for consideration upon entry of the present amendment. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claim Amendments

Applicants submit that the amendments to Claims 1, 23 and 45 are fully supported in the original specification and the original claims. The remaining amendments were made to support the wording of amended Claims 1, 23 and 45.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-2, 5-9, 12, 15-22, 23-24, 27-31, 34, 37-46, 49-53, 56, and 59-66 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,477,571 to Ross et al. ("Ross"). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, "[t]he identical invention must be shown in as complete detail as is contained in the * * * claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicants submit that Claim 1 is patentable at least for the reason that each and every element of amended Claim 1 is not found, either expressly or inherently described, in Ross. Amended Claim 1 recites "A method for performing isolation of dropped packets, said method comprising: receiving a request to isolate a dropped packet in a network, said request including a source node and a destination node; mapping an expected route between the source node and the destination node, said expected route including a probe; creating a capture filter profile for said probe; transmitting a request to said probe to perform data collection in response to said capture filter profile; receiving a data log from said probe, said data log created by said data collection; generating exception data including comparing said expected route to said data log; and isolating

the dropped packet by identifying a failing network element along the expected route in response to the exception data." Applicants submit that at least the elements "receiving a request to isolate a dropped packet in a network" and "isolating the dropped packet by identifying a failing network element along the expected route" in Claim 1 are not taught by Ross.

Applicants submit that Ross is directed to identifying occurrences of transactions in computer networks. See, e.g., Ross Abstract. Further, Ross is directed to recognizing and predicting transactions and in particular to recognizing and predicting transactions using regular expressions from formal language theory. See, e.g., Ross Col. 1, Lines 7-11. Applicants find no teaching in Ross of at least the elements "receiving a request to isolate a dropped packet in a network" and "isolating the dropped packet by identifying a failing network element along the expected route" as recited in Claim 1.

For at least this reason, Applicants submit that Claim 1 is patentable over Ross. Because they depend from Claim 1, Claims 2-22 are patentable for at least the reasons advanced above with respect to Claim 1. Further, because they contain similar elements, Claims 23 and 45 are patentable over Ross for at least the reasons advanced above with respect to Claim 1. Because they depend from Claim 23, Claims 24-44 are also patentable over Ross. Because they depend from Claim 45, Claims 46-66 are also patentable over Ross.

Claim Rejections Under 35 U.S.C. § 103

Claims 3-4, 25-26 and 47-48 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ross in view of U.S. Patent No. 6,549,513 to Chao et al. ("Chao"). Applicants traverse this rejection and submit that Ross in view of Chao does not teach or suggest all of the elements of Claims 3-4, 25-26 and 47-48.

For at least the reasons described above, Ross does not teach all of the elements of Claims 1, 23 and 45. Specifically, Ross does not teach "receiving a request to isolate a dropped packet in a network" and "isolating the dropped packet by identifying a failing network element along the expected route" as recited in Claim 1. The addition of Chao does not cure this deficiency. Therefore, for at least this reason, neither Ross nor Chao, alone or in combination,

teach or suggest all of the elements of Claims 1, 23 and 45. Because they depend from Claim 1, Claims 3-4 are patentable over Ross in view of Chao for at the least the reasons advanced above with respect to Claim 1. Because they depend from Claim 23, Claims 25-26 are patentable over Ross in view of Chao for at least the reasons advanced above with respect to Claim 23. Because they depend from Claim 45, Claims 47-48 are patentable over Ross in view of Chao for at least the reasons advanced above with respect to Claim 45.

Claims 10-11, 32-33, and 54-55 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ross in view of U.S. Patent Publication No. 2001/0005371 to Sera et al. ("Sera"). Applicants traverse this rejection and submit that Ross in view of Sera does not teach or suggest all of the elements of Claims 10-11, 32-33 and 54-55.

For at least the reasons described above, Ross does not teach all of the elements of Claims 1, 23 and 45. Specifically, Ross does not teach "receiving a request to isolate a dropped packet in a network" and "isolating the dropped packet by identifying a failing network element along the expected route" as recited in Claim 1. The addition of Sera does not cure this deficiency. Therefore, for at least this reason, neither Ross nor Sera, alone or in combination, teach or suggest all of the elements of Claims 1, 23 and 45. Because they depend from Claim 1, Claims 10-11 are patentable over Ross in view of Sera for at the least the reasons advanced above with respect to Claim 1. Because they depend from Claim 23, Claims 32-33 are patentable over Ross in view of Sera for at least the reasons advanced above with respect to Claim 23. Because they depend from Claim 45, Claims 54-55 are patentable over Ross in view of Sera for at least the reasons advanced above with respect to Claim 45.

Claims 13-14, 35-36, and 57-58 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ross in view U.S. Patent No. 6,477,571 to Frezza et al. ("Frezza"). Applicants traverse this rejection and submit that Ross in view of Frezza does not teach or suggest all of the elements of Claims 13-14, 35-36 and 57-58.

For at least the reasons described above, Ross does not teach all of the elements of Claims 1, 23 and 45. Specifically, Ross does not teach "receiving a request to isolate a dropped packet in a network" and "isolating the dropped packet by identifying a failing network element along the expected route" as recited in Claim 1. The addition of Frezza does not cure this

deficiency. Therefore, for at least this reason, neither Ross nor Frezza, alone or in combination, teach or suggest all of the elements of Claims 1, 23 and 45. Because they depend from Claim 1, Claims 13-14 are patentable over Ross in view of Frezza for at the least the reasons advanced above with respect to Claim 1. Because they depend from Claim 23, Claims 35-36 are patentable over Ross in view of Frezza for at least the reasons advanced above with respect to Claim 23. Because they depend from Claim 45, Claims 57-58 are patentable over Ross in view of Frezza for at least the reasons advanced above with respect to Claim 45.

Conclusion

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that Claims 1-66 are in condition for allowance. Accordingly, reconsideration and allowance is respectfully requested.

In the event the Examiner has any questions regarding this Amendment, Applicants' attorneys respectfully request the courtesy of a telephone conference.

In the event that there are any additional fees with respect to this Amendment, Applicants' attorneys respectfully request that such fees be withdrawn from Deposit Account No. 09-0463 maintained by Applicants' attorneys.

Respectfully submitted,

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